

Memorandum

TO: John Sule (Senior Planner, Resource Consents)

FROM: Katie James (Policy Planner, City Development)

DATE: 13 December 2018

SUBJECT: LUC 2018-664, 16 COAST ROAD, CONTRACTORS YARD AND BUILDERS YARD

THE APPLICATION

Land use consent is sought to establish a contractors yard (including retail sales of bulk landscaping materials) and a builders yard (constructing relocatable buildings) at Lot 1 DP 452251 (CFR 578108), 16 Coast Road. The application will require assessment as a non-complying activity under both the operative plan and the 2GP.

This memo provides guidance on the 2GP provisions considered most relevant to any assessment of these activities, without seeking to be limiting on the range of provisions that may be considered in processing this application.

ZONING, OVERLAYS AND ACTIVITY STATUS

2nd Generation Plan Nov 2018 (Decisions version)

The site is zoned Coastal Rural Zone in the 2GP and is subject to a number of overlays and mapped areas over parts or all of the site, including the Natural Coastal Character (NCC) Overlay Zone, Hazard 2 (flood) Overlay Zone, Hazard 3 (coastal) Overlay Zone and a Wāhi tūpuna Mapped Area. Outside of the area that is proposed to be developed, there is a high class soils mapped area as well as a Hazard 1 (flood) Overlay Zone following Careys Creek, which runs through 16 Coast Rd. There is also an Esplanade Reserves and Strips Mapped Area running alongside Careys Creek, although it is noted that there is no subdivision proposed as part of the application.

The 2GP manages the proposed land use activities as follows (see Rule 16.3.3):

- The contractors yard may fall into the definition of *rural contractor and transport depots-large scale* ('The use of land and buildings as a depot for rural contractor and transport services...'), which is a discretionary activity in the rural zones. However, as there are a wide range of activities listed in the description for the contractors yard which may not be necessarily associated with rural contractor operations, the activity could also be interpreted as *industry* (which includes 'depots for the storage and dispatch of vehicles, equipment, and/or materials, and the administration and dispatch of workers using these in the field'), which would be a non-complying activity in the rural zones;
- The public sale of bulk landscaping materials is defined as a *retail* activity which is a non-complying activity in the rural zones;
- The construction of small relocatable buildings is defined as *industry* which is a non-complying activity in the rural zones.

Development activities associated with the activities, including the construction of a workshop building, storage of hazardous substances, signage, parking, loading and access and other site development activities are subject to a number of associated performance standards, as indicated in Rule 16.3.4. Further, the erection of new buildings and structures greater than 60m² in a NCC overlay zone is a restricted discretionary activity (Rule 16.3.4.4).

The earthworks performance standards contained in Section 8A will also be of relevance, in relation to small scale thresholds in the rural zones as well as within NCC and Natural Hazards

overlays. The performance standard for removal of high class soils in a high class soils mapped area also may be relevant, although it is noted that the proposed activities will take place outside of the mapped area.

Status of appeals

This memorandum is being provided prior to the appeal period on the 2GP closing. Therefore, while they have legal effect, no determination can be made as to whether relevant objectives, policies and rules can be considered as deemed operative, or not, in whole or in part.

2GP OBJECTIVES AND POLICIES

Rural Strategic directions, objectives and policies

The most relevant objectives and policies in the 2GP related to discretionary and non-complying activities in the rural zones are listed in the following table. Note in particular Policy 16.2.1.8, which seeks to avoid commercial activities and industrial activities in the rural zones (alongside supported living facilities and major facility activities), unless otherwise provided for. Policies that relate to the bulk and location of buildings are also included because the application involves the construction of a new workshop building.

Objective/policy number	Objective/policy text
Objective 2.3.1 Land and facilities important for economic productivity and social well-being	Land and facilities that are important for economic productivity and social well-being, which include industrial areas, major facilities, key transportation routes, network utilities; and productive rural land are: a. protected from less productive competing uses or incompatible uses, including activities that may give rise to reverse sensitivity...
Policy 2.3.1.2	Maintain or enhance the productivity of farming and other activities that support the rural economy through: b rules that provide for rural industry and other activities that support the rural economy... h. rules that restrict commercial and community activities in the rural zones to those activities that need a rural location or support rural activities.
Objective 16.2.1	Rural zones are reserved for productive rural activities and the protection and enhancement of the natural environment, along with certain activities that support the well-being of communities where these activities are most appropriately located in a rural rather than an urban environment. Residential activity in rural zones is limited to that which directly supports farming or which is associated with papakāika.
Policy 16.2.1.3	Provide for rural activities, veterinary services, rural industry, rural contractor and transport depots, community activities, emergency services, cemeteries and crematoriums in the rural zones where the effects will be adequately managed in line with objectives 16.2.2 and 16.2.3, 16.2.4 and their policies, and the objectives and policies of any relevant overlay zones.
Policy 16.2.1.8	Avoid supported living facilities, commercial activities, industrial activities, and major facility activities, unless otherwise provided for, in the rural zones.
Objective 16.2.2	The potential for conflict between activities within the rural zones, and between activities within the rural zones and adjoining residential zones, is minimised through measures that ensure: a. the potential for reverse sensitivity in the rural zones is minimised; b. the residential character and amenity of adjoining residential zones is maintained; and

	c. a reasonable level of amenity for residential activities in the rural zones.
Policy 16.2.2.3	Require all new buildings to be located an adequate distance from site boundaries to ensure a good level of amenity for residential activities on adjoining sites.
Policy 16.2.2.5	Only allow rural tourism - large scale, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, community and leisure - large scale, sport and recreation, veterinary services, visitor accommodation, cemeteries, crematoriums, intensive farming, domestic animal boarding and breeding (including dogs), rural industry, mining, service stations, or landfills where adverse effects on the amenity of residential activities on surrounding properties will be avoided or, if avoidance is not practicable, adequately mitigated.
Policy 16.2.3.5	Only allow intensive farming, rural tourism - large scale, rural industry, rural research - large scale (outside the Invermay Farm mapped area), rural contractor and transport depots - large scale, mining and landfills where adverse effects from large scale development on rural character and visual amenity will be avoided or minimised as far as practicable.
Objective 16.2.3	The rural character values and amenity of the rural zones are maintained or enhanced, elements of which include: a. a predominance of natural features over human made features; b. a high ratio of open space, low levels of artificial light, and a low density of buildings and structures; c. buildings that are rural in nature, scale and design, such as barns and sheds; d. a low density of residential activity, which is associated with rural activities; e. a high proportion of land containing farmed animals, pasture, crops, and forestry; f. extensive areas of indigenous vegetation and habitats for indigenous fauna; and g. other elements as described in the character descriptions of each rural zone located in Appendix A7.
Policy 16.2.3.1	Require buildings and structures to be set back from site boundaries and of a height that maintains the rural character values and visual amenity of the rural zones.
Objective 16.2.4	The productivity of rural activities in the rural zones is maintained or enhanced.
Policy 16.2.4.1	Require earthworks in a high class soils mapped area to retain soils on the site.
Policy 16.2.4.2	Only allow activities other than farming on highly productive land where: the scale, size and nature of the activity means that any loss of current or potential future rural productivity would be: insignificant in any high class soils mapped area; and no more than minor in other areas of highly productive land; ...

Natural environment objectives and policies

The following objectives and policies are relevant because of the NCC overlay.

Objective/policy number	Objective/policy text
Objective 10.2.3	Areas of outstanding natural coastal character (ONCC), high natural coastal character (HNCC), and natural coastal character (NCC) are protected from inappropriate use and development and

	their values, as identified in Appendix A5, are preserved or enhanced.
Policy 10.2.3.5	Only allow mining, landfills, crematoriums, large buildings and structures, forestry, earthworks - large scale and indigenous vegetation clearance - large scale in the Natural Coastal Character Overlay Zone (NCC) where adverse effects on the natural character values identified in Appendix A5 will be avoided or, if avoidance is not practicable, no more than minor.
Policy 10.2.3.9	Require buildings and structures in a Natural Coastal Character Overlay Zone (NCC) to have exterior colours and materials that avoid or minimise, as far as practicable, adverse visual effects caused by reflectivity.
Policy 10.2.3.10	Provide for small buildings (no larger than 60m ²) in the Natural Coastal Character Overlay Zone (NCC) but limit the number of these clustered together with each other or existing large buildings to a level that avoids or, if avoidance is not practicable, ensures cumulative visual effects are no more than minor.
Policy 10.2.3.11	Require ancillary signs in coastal character overlay zones to be located and designed so that any adverse effects on natural character values, as identified in Appendix A5, are insignificant.

In addition to the policies listed above, if there are any buildings proposed to be located in proximity to Careys Creek, Objective 10.2.2 (relating to maintaining and enhancing the biodiversity values and natural character of the coast and riparian margins), and Policy 10.2.2.2 (requiring setbacks from coast and water bodies) may also be relevant.

Natural Hazards objectives and policies

The following objectives and policies are relevant because of the Natural Hazards overlay zones.

Objective/policy number	Objective/policy text
Objective 11.2.1	Land use and development is located and designed in a way that ensures that the risk from natural hazards, including climate change, is no more than low, in the short to long term.
Policy 11.2.1.4	In the hazard 1, hazard 1A and 2 (flood) overlay zones, only allow new buildings, and additions and alterations to buildings, where the scale, location and design of the building or other factors mean risk is avoided, or is no more than low.
Policy 11.2.1.6	In the Hazard 2 (flood) Overlay Zone, only allow natural hazards sensitive activities and natural hazards potentially sensitive activities where: a. the activity has a critical operational need to locate within the Hazard 2 (flood) Overlay Zone and risk is minimised as far as practicable; or b. the scale, location and design of the activity or other factors means risk is avoided, or is no more than low.
Policy 11.2.1.7	Only allow large quantities of hazardous substances in Hazard 1, Hazard 1A and 2 overlay zones where they are stored in a manner that ensures risk from natural hazards is avoided, or is no more than low.
Policy 11.2.1.14	Require buildings, structures, storage and use of hazardous substances, network utility activities, and earthworks - large scale to be set back an adequate distance from water bodies to ensure that the risk from natural hazards, including from erosion and flooding, is avoided, or is no more than low.

Manawhenua objectives and policies

The following objectives and policies are relevant because of the Wāhi tūpuna mapped area.

Objective/policy number	Objective/policy text
Objective 14.2.1	The relationship between Manawhenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with: a. wāhi tūpuna; b. mahika kai; and c. occupation of original native reserve land through papakāika.
Policy 14.2.1.4	Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if avoidance is not practicable, are no more than minor.

Katie James

PLANNER (POLICY)